

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 14-23 are pending in this case. Claim 14 is amended by the present amendment to address the rejection under 35 U.S.C. § 112, second paragraph. No new matter is added.

In the outstanding Office Action, Claim 14 was rejected under 35 U.S.C. § 112, second paragraph; Claims 14-16, 18, and 20-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Watanabe (U.S. Patent No. 7,027,084), in view of Yamagishi (U.S. Patent No. 6,327,001), further in view of Misawa (U.S. Patent No. 7,136,102); and Claims 17 and 19 were indicated as including allowable subject matter.

Applicant gratefully acknowledges the indication of allowability of Claims 17 and 19 and traverses the rejection of Claim 14 under 35 U.S.C. § 112, second paragraph, and the rejection of Claims 14-16, 18, and 20-23 under 35 U.S.C. § 103(a), in turn.

Claim 14 is amended to recite “an external communication device” at line 9. With regard to the “mutually transmit and receive continuous data,” Applicant respectfully submits that there is no antecedent basis for the cited instance of “continuous data” because the previous reference is to “communication portion for continuous data.” With regard to “communicating in parallel with,” Applicant and Applicant’s representatives thank Examiner Le for clarifying that the basis for the rejection is actually a requirement for a showing of support in the originally-filed disclosure. Originally-filed Claim 5 supports the previous amendment to Claim 14 to include “communicating in parallel with.” Further, Claim 14 is currently amended to recite “communicating concurrently with” to recite the precise language of originally-filed Claim 5.

Turning now to the rejection under 35 U.S.C. § 103(a), Claim 14 is directed to an image processing apparatus and includes:

a camera function portion which includes a central processing unit to control the entire image processing apparatus, an operating portion to input an operation externally, an imaging portion to photograph an image of a subject, a digital processing portion to perform a digital processing to various signals including photographing data of said imaging portion, a displaying portion to display image data processed by said digital processing portion, a communication function portion housed in said image processing apparatus or provided attachably and detachably on said image processing apparatus and configured to communicate with an external communication device, and a data storing portion to store digital data which relates to said digital processing portion;

a communication judging portion to judge whether or not a communication with an external communication device with respect to a signal from said external communication device is possible; and

a data communication portion which carries out the communication with said external communication device when it is judged by said communication judging portion that the communication is possible, and transmits communication data including a program to control said camera function portion from said external communication device to said external communication device,

wherein the communication data with the external communication device include an interface program to control said camera function portion, and said data communication portion includes a control interface portion to control said camera function portion using control data from said external communication device,

wherein the communication data with the external communication device include a media interface program to transmit data to and receive data from said digital processing portion in said camera function portion, and said data communication portion includes a media interface portion to carry out at least one of processing of digital processing data in said digital processing portion received at said external communication device and processing of transmitted data from said external communication device in the digital processing portion, using the control data from said external communication device,

wherein the data communication portion includes a communication portion for continuous data to mutually transmit and receive continuous data **between the image processing apparatus and said external communication device**, and

wherein in the communication between the image processing apparatus and said external communication device, the communication of the continuous data by the communication portion for continuous data is capable of communicating concurrently with at least one of the data communication by the camera control interface portion and the data communication by the media interface portion.

The outstanding Office Action cites Watanabe and Yamagishi as teaching every element of Claim 14 except “communication of the continuous data by the communication portion for continuous data is capable of communicating concurrently with at least one of the data communication by the camera control interface portion and the data communication by the media interface portion,” which it cites Misawa as teaching. Specifically, at page 5 of the outstanding Office Action, Misawa, at column 1, lines 35-45, Fig. 1, and Fig. 2, is asserted as teaching the above-quoted features of Claim 14.

However, as discussed at the cited portions of Misawa and with reference to Fig. 3 at columns 5 and 6, Misawa describes a digital still camera that allows voice input by the camera user during imaging. Both the voice input and the imaging are initiated by depression of the shutter-release button of the camera. Misawa does not involve an external communication device. Thus, the input of voice concurrently with imaging in the digital still camera of Misawa does not teach or suggest “**communication of the continuous data by the communication portion for continuous data is capable of communicating concurrently with** at least one of the data communication by the camera control interface portion and the data communication by the media interface portion,” as recited in Claim 14, because the communication portion for continuous data is defined by Claim 14 “to mutually transmit and receive the continuous data **between the image processing apparatus and said external communication device.**”

Because the combination of Watanabe, Yamagishi and Misawa does not teach or suggest at least the above-discussed features of Claim 14, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 14 and Claims 15, 16, 18, and 20-23, which depend therefrom, be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\I:\ATTY\UMP\24'S\248088US\248088US AMND2.DOC